

Bay Delta Conservation Plan/CA Water Fix
July 2015 – Public Draft RDEIR/SDEIS
CDFW Staff Comments
October 29, 2015

CDFW is appreciative of the continued opportunity to participate and comment in development of the NEPA/CEQA document for the BDCP/CalWaterFix. Overall we feel that the Recirculated EIR/EIS is an improvement over the Public Draft and are committed to continuing to provide our support in your development of a final document.

This review is focused on changes relevant to Alternative 4A. CDFW has not reviewed changes to the BDCP in detail and is not providing comprehensive comments regarding all the changes that have been made to the BDCP plan as described in the recirculated document.

Of most concern to CDFW is the basis of comparison for conducting the CEQA analyses. In the Draft EIR/EIS' analysis of the conservation plan-based alternatives, the analyses for certain aquatic species impacts from operations of the proposed project described the modeled project impacts as compared to Existing Conditions, but ultimately reached determinations on significance based on a comparison to the NEPA baseline, which uses the NAA_LLT (i.e. 2060) conditions. The rationale for this approach was that it enabled partitioning of the effects of implementation of the alternative from the effects of sea level rise, climate change and future water demands. The recirculated EIR/EIS evaluates three new alternatives that are not proposed as conservation plans, and again for project operations' impacts to aquatic species, the analyses often reach significance conclusions based on a comparison to future conditions (NAA_ELT) rather than a comparison to Existing Conditions. However, Alternative 4A is not a large-scale and long-term conservation focused only on construction of water conveyance facilities and associated mitigation which will be implemented on a much shorter time-frame of 10-15 years (the NAA_ELT compares conditions out to 2025). We believe that the analyses should more clearly describe the project's impacts in comparison to Existing Conditions. We also recommend that further information needs to be described as to why the comparison to the "future conditions" baseline is justified based on unusual aspects of the project or conditions.

Additionally, our review found the following general concerns that are further explained in the attached comment tables:

- There are outstanding CDFW comments that have not fully been resolved from our June 2015 comments to the administrative draft revised EIR/EIS. We have included a separate document detailing these comments.
- Several of the effects analyses, results, and conclusions do not reflect current efforts being undertaken through the Section 7 process and discussions of the Fish and Game Code section 2081(b) permit application. CDFW generally understands that as these methods, analyses and results are finalized they will be included in the final EIR/EIS to ensure clarity and consistency.

- We had some difficulty in clearly distinguishing which of the HCP/NCCP elements carry over to Alternative 4A. This is particularly a concern regarding Avoidance and Minimization Measures, project operations criteria and other details of the BDCP that were not included or clearly referenced in the project description.
- Several of the mitigation measures and CEQA conclusions need additional clarification to demonstrate that they will be effective in reducing or eliminating impacts and can be feasibly implemented.
- The CEQA analyses for the proposed environmental commitments do not clearly demonstrate how each species' habitat requirements will be met when an environmental commitment targets species that utilize the same natural communities. The attached tables include several examples of cases where species with disparate habitat requirements are assumed to benefit from the same mitigation acreages. This is an important clarification necessary for ensuring that impacts to individual species are reduced to a less-than-significant level.
- The document does not clearly explain how modeled physical changes are translated into biological effects and subsequently how those biological effects are, or are not, then concluded to be significant/adverse, based on the significance thresholds articulated. If these determinations are based on professional experience, rather than a quantitative process that translates modeled physical effects into biological effects, then those determinations and the basis for the qualitative assumptions, should be made clear. As should the information about what species population estimates or species abundance indices these modeled effects are applied to in the assessments.

Should you have questions or want to discuss any of these comments please feel free to contact Chad Dibble, (916) 445-1202, chad.dibble@wildlife.ca.gov

Attachments: RDEIR_EIS CDFW comments_T errestrial
 RDEIR_EIS CDFW comments_unresolved
 RDEIR_EIS CDFW comments_Aquatic
 RDEIR_EIS CDFW comments_Summary of CEQA Conclusions
 RDEIR_EIS CDFW comments_Section 1
 RDEIR_EIS CDFW comments_Section 5
 RDEIR_EIS CDFW comments_Appendix3B
 RDEIR_EIS CDFW comments_AppendixA Section8
 RDEIR_EIS CDFW comments_AppendixD